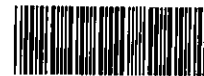




Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

Metro Boston/Northeast Regional Office



SEMS DocID

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William F. Weld
Governor

Trudy S. Cox
Secretary, EOE

Thomas B. Powers
Acting Commissioner

CERTIFIED MAIL

DEC 20 1994

American Glue & Resin, Inc.
c/o Ms. Patricia Auterio
5 Marshall Road
Stoneham, MA 02180

RE: MIDDLETON
Adhesive Manufacturer
School Street
DEP RTN 3-0168
Permit # 83081
TRANSITION PERMIT STATEMENT

Dear Ms. Auterio:

The Massachusetts Department of Environmental Protection (the Department or DEP) is in receipt of a letter dated November 22, 1994 from Mr. Robert E. Daidone who represents you and American Glue & Resin, Inc. This letter was written in response to the Department's July 25, 1994 Transition Permit Statement letter which was addressed to you as an individual. Mr. Daidone's letter indicated that the permit should have been issued to American Glue & Resin, Inc. (American Glue) and although you, as an individual, will not conduct any response actions, American Glue, the corporation, will conduct limited response actions "to remove certain chemicals stored in drums from the premises, as previously requested by ... D.E.P." This matter was further discussed with Mr. Daidone in a telephone conversation on November 30, 1994 during which Mr. Daidone restated this position. Mr. Daidone also stated that American Glue will cooperate with the Department with respect to conducting additional response actions to the extent that corporate finances allow. The Department is hereby issuing a duplicate Tier I Transition Classification and Transition Permit Statement to American Glue & Resin, Inc.

TRANSITION PROVISIONS

The Department has redesigned the Waste Site Cleanup Program. The revised Massachusetts Contingency Plan ("MCP"; 310 CMR 40.0000) and related fee regulations (310 CMR 4.00) became effective on October 1, 1993. The new MCP includes specific requirements for sites which had been classified as "priority disposal sites" under the 1988 version of the MCP in order for them to make the transition into the redesigned program. (See enclosed Transition Fact Sheet #5 for more information).

This letter is being sent to you (hereafter, "you", as used in this letter, refers to American Glue & Resin, Inc.) regarding the above-referenced site which was previously classified as a "priority disposal site" and listed as such on DEP's August 1993 Transition List of Confirmed Disposal Sites and Locations to Be Investigated, or Addenda thereto. You were previously identified as a "Potentially Responsible Party" (PRP) for the above-referenced site with potential liability under M.G.L. c.21E §5. A Notice of Responsibility was sent to you by the Department on **December 29, 1986**. The site was classified and listed by DEP as a priority disposal site on **January 15, 1989**. The reasons for triggering the priority classification were: (1) the existence of groundwater contamination with oil or hazardous materials at levels exceeding state or federal drinking water standards/guidelines which has impacted private water supply wells at the site and (2) evidence that a release of oil or hazardous material at or from the site to surface water could result in a concentration which exceeds Ambient Water Quality Criteria for the protection of aquatic life or human health.

TRANSITION CLASSIFICATION

Under the new MCP, sites will be classified as either Tier I or Tier II. All Tier I sites require permits to proceed with assessment and remediation. Tier I sites will be further divided into three permit categories, Tier IA, IB and IC. Sites classified as Tier IA will be managed by a Licensed Site Professional (LSP) under the Department's direct oversight. Tier IB and IC sites will be managed by LSPs and will not receive direct oversight by DEP, but will be subject to DEP audit.

Pursuant to the Transition regulations of the new MCP (310 CMR 40.0640), the subject site has been categorically classified as **Tier IA**.

The Transition Statement, when completed in accordance with the Transition Provisions, 310 CMR 40.0640, and signed and dated by you will become a valid Tier IA permit for the site effective upon its receipt by the Department.

EXISTING APPROVALS

Response actions which received DEP approval prior to the date of this letter must continue in accordance with the terms of the approval until completed.

An LSP may be engaged or employed, but is not required, to oversee the continuation of response actions approved by DEP prior to October 1, 1993 [see 310 CMR 40.0640(1)(c)]. If an LSP is engaged or employed, he or she should be identified to DEP. Such response actions include Short Term Measures (STMs) or any Phase of a Remedial Response Action found in 310 CMR 40.540 of the 1988 MCP. Once work under pre-October 1, 1993 approvals is complete, all future response actions must be conducted according to the terms of the revised MCP

and will require the use of an LSP.

All response actions approved by DEP after October 1, 1993 must be continued in accordance with the terms and conditions of such approvals. Such response actions include Immediate Response Actions (IRAs) or Release Abatement Measures (RAMs) [see Attachment B of the permit].

TRANSITION STATEMENT

The Transition Statement for the above-referenced site is attached for your review and action. According to 310 CMR 40.0640(3), you must sign and return the Transition Statement to DEP within 120 days of your receipt of this letter indicating whether you (1) accept the terms of the Transition Statement, (2) disagree with DEP's classification of the site, or (3) do not accept the terms of the Transition Statement. These options are as follows:

(1) Accept Transition Statement: To accept the terms of the Transition Statement, please sign and date both copies of the Statement at Paragraph "1" and return one copy to this office. (Please also send a copy of one of the signed Transition Statements to the Chief Municipal Officer and Chairman of the Board of Health.) Annual Tier IA Compliance Fees will be assessed starting October 1, 1993. Please note: a Tier IA permit application fee is not required for a Tier IA permit issued pursuant to the Transition Provisions, 310 CMR 40.0600. The Tier IA Transition Permit will be effective upon the Department's receipt of the signed and dated Transition Statement [310 CMR 40.0640 (3)(b)1.a].

(2) Disagree with Permit Category in the Transition Statement: If you do not agree with the Department's determination that this site should be classified as Tier IA because, in the Opinion of an LSP, the site should be reclassified, sign and date both copies of the Statement at Paragraph "2" and return one copy to this office within 120 days. (Please also send a copy of one of the signed Transition Statements to the Chief Municipal Officer and Chairman of the Board of Health.) In order to change the site's permit category and in order to continue response actions at the subject site, you must obtain a Major Permit Modification from DEP. To do so, you must submit a "Major Permit Modification" application (310 CMR 40.0707), which includes an LSP Tier Classification Opinion, and fee of \$1200. This application will then be processed according to the provisions of 310 CMR 40.0700. The appropriate Annual Compliance Fee will be determined pending the outcome of the permit modification application review.

If you wish to conduct assessment activities (such as the sampling of existing monitoring wells, the sampling of surficial soils, and the monitoring of vapors inside buildings) within 120 days in an effort to document a lower Tier Classification for the

purposes of filing a Major Permit Modification with DEP, you may do so. However, "intrusive" assessment activities (subsurface investigations involving test pits, new monitoring wells, and soil borings, etc.), will require prior DEP approval, unless they are being done as part of a response action which already has DEP approval.

(3) Do Not Accept Transition Statement: If you do not accept this Transition Statement, you must sign and date the Statement at Paragraph "3-A" or "3-B" and return one copy to this office. (Please also send a copy of one of the signed Transition Statements to the Chief Municipal Officer and Chairman of the Board of Health.) You must also indicate whether or not you intend to conduct any response actions which were approved by DEP prior to the date of this letter. If you do not intend to conduct such response actions, you must include an explanation pursuant to 310 CMR 40.0171 and 40.0172. If you do intend to conduct these response actions, you must include a schedule for completing them.

Whether or not you intend to complete work previously approved, you must submit a Status Report which includes an LSP Opinion as to whether a Temporary or Permanent Solution has been or will be achieved at the site, and if not, the response actions necessary to do so [310 CMR 40.0640(3)(b)3].

Please note that if this site is adjacent to another disposal site where response actions are being conducted, it may be necessary to coordinate your response actions with those being undertaken on the adjacent site. All persons authorized to conduct response actions under a Tier I permit must comply at all times with M.G.L. c. 21E, 310 CMR 40.0000, permit terms and conditions and any other applicable federal, state, and local law. Failure to comply with all applicable requirements shall be cause for the Department to initiate enforcement action, including, without limitation, permit suspension or revocation.


If the enclosed Transition Statement is not returned to the Department within 120 days of its receipt, or if you do not accept the Transition Permit under paragraph (3) above, the Annual Compliance Fee for Tier IB sites (\$2,600) will be assessed, beginning on the day after such Transition Statement is due [310 CMR 40.0640(4)]. In addition, DEP may commence appropriate enforcement actions to ensure that the required response actions for the above-referenced site are initiated and completed in a timely manner.

We recognize that there may be difficulties and confusion during the transition of existing sites from the old MCP to the new MCP. The new MCP, however, offers many incentives and opportunities for streamlined, timely, and efficient cleanups. It is our intent to provide you with as smooth a transition as possible.

Should you have any questions about this letter or the Transition Statement, please contact Margaret Chen at (617) 932-7600 or at the above address.

Sincerely,


Margaret Chen
Environmental Analyst


Stephen M. Johnson
Section Chief
Site Management/Permit Branch

Attachments: Transition Fact Sheet #5
 Tier I Transition Classification and Permit Statement

cc: Ms. Nancy M. Jones, Chairman, Board of Selectmen
 Town of Middleton, 48 South Main Street, Middleton, MA 01949
 Mr. Leo Cormier, Health Agent, Middleton Board of Health
 Town of Middleton, 195 North Main Street, Middleton, MA 01949
 Ms. Cheryl Auterio, P.O. Box 202, North Reading, MA 01864
 Mr. Robert E. Daidone, Law Offices of Robert E. Daidone, P.C.
 One Washington Mall, 15th Floor, Boston, MA 02108
 Madeline Snow, Bureau of Waste Site Cleanup, DEP, Boston
 DEP/NERO/BWSC, Data Entry/File